

EXHIBIT 2

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 10 WAP 2023

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October 6, 2023

CAPTION

MacMiles, LLC d/b/a Grant Street Tavern, Appellant

v.

Erie Insurance Exchange, Appellee

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil

Case Type(s): Insurance

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
11 WAP 2023 Similar Issues Ungarean, T. v. CNA et al, Aplt	Related
12 WAP 2023 Similar Issues Ungarean, T. v. CNA et al, Aplt.	Related

COUNSEL INFORMATION

Attorney: Goodrich, John P.
Goodrich & Associates, P.C.
Address: Goodrich & Associates Pc
429 4TH Ave Ste 900
Pittsburgh, PA 15219-1507
Phone No: (412) 261-4663
Receive Mail: Yes
Receive EMail: Yes Email:
Representing: MacMiles, LLC dba Grant Street Tavern, Appellant
Pro Se: No
IFP Status:

Attorney: Boni, Michael J.
Boni, Zack & Snyder LLC
Address: Boni Zack & Snyder LLC
15 Saint Asaphs Rd
Bala Cynwyd, PA 19004-2407
Phone No: (610) 822-0201
Receive Mail: Yes
Receive EMail: Yes Email:
Representing: MacMiles, LLC dba Grant Street Tavern, Appellant
Pro Se: No
IFP Status:

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COUNSEL INFORMATION

Attorney: Cooper, Scott B.

Address: Schmidt Kramer Pc
209 State St
Harrisburg, PA 17101-1144

Phone No: (717) 888-8888

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: MacMiles, LLC dba Grant Street Tavern, Appellant

Pro Se: No

IFP Status:

Attorney: Haggerty, James C.

Address: Haggerty, Goldberg, Schleifer & Kupersmith, P.C.
Haggerty Goldberg Et Al
1835 Market St Fl 27
Philadelphia, PA 19103-2929

Phone No: (267) 350-6609

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: MacMiles, LLC dba Grant Street Tavern, Appellant

Pro Se: No

IFP Status:

Attorney: Nichols, Lauren Renee

Address: Goodrich & Associates, P.C.
Goodrich & Associates Pc
429 Fourth Ave Ste 900
Pittsburgh, PA 15219-9200

Phone No: (412) 261-4663

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: MacMiles, LLC dba Grant Street Tavern, Appellant

Pro Se: No

IFP Status:

Attorney: Shub, Jonathan

Address: Shub & Johns LLC
200 Barr Harbor Dr Ste 400
Conshohocken, PA 19428

Phone No: (610) 453-6551

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: MacMiles, LLC dba Grant Street Tavern, Appellant

Pro Se: No

IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Sindoni, John Elliott
 Boni, Zack & Snyder LLC
 Address: Boni Zack & Snyder LLC
 15 St Asaphs Rd
 Bala Cynwyd, PA 19004
 Phone No: (610) 822-0202
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: MacMiles, LLC dba Grant Street Tavern, Appellant
 Pro Se: No
 IFP Status:

Attorney: Snyder, Joshua D.
 Boni, Zack & Snyder LLC
 Address: 15 St Asaphs Rd
 Bala Cynwyd, PA 19004-2407
 Phone No: (610) 822-0203
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: MacMiles, LLC dba Grant Street Tavern, Appellant
 Pro Se: No
 IFP Status:

Attorney: Maczuzak, Tara L.
 Address: Dibella Weinheimer
 Law & Finance Building
 429 Fourth St Ste 200
 Pittsburgh, PA 15219
 Phone No: (412) 261-2900
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: DiBella, Richard W.
 Dibella Weinheimer
 Address: 429 Fourth Ave Ste 200
 Pittsburgh, PA 15219
 Phone No: (412) 261-2900
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

Attorney: Greer, Zachary Raymond
 Elliott Greenleaf, PC
 Address: Elliott Greenleaf Pc
 925 Harvest Dr Ste 300
 Blue Bell, PA 19422
 Phone No: (215) 977-1050
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Horst, Robert Timothy
 Horst Krekstein & Runyon, LLC
 Address: 610 W Germantown Pike Ste 350
 Plymouth Meeting, PA 19462
 Phone No: (484) 243-6873
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Kaiser, Adam Jay
 Pro Hac Vice
 Address: Alston & Bird
 90 Park Avenue
 New York, NY 10016
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Malamud, Matthew Brandon
 Horst Krekstein & Runyon LLC
 Address: 610 W Germantown PK Suite 350
 Plymouth Meeting, PA 19462
 Phone No: (484) 243-6873
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

Attorney: Pietragallo, William A.
 Pietragallo Gordon Alfano Bosick & Raspanti, LLP
 Address: Pietragallo Gordon Et Al
 3800 One Oxford Ctr
 Pittsburgh, PA 15219
 Phone No: (412) 263-2000
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Runyon, Robert Marshall, III
 Horst Krekstein & Runyon LLC
 Address: 610 W. Germantown Pike
 Suite 350
 Plymouth Meeting, PA 19462
 Phone No: (215) 280-5646
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Santarelli, Frederick P.
 Address: Elliott Greenleaf P.c.
 925 Harvest Dr
 Blue Bell, PA 19422-1956
 Phone No: (215) 977-1024
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

Attorney: Shepard, Kristin A.
 Pro Hac Vice
 Address: Alston & Bird
 950 F Street, NW
 Washington, DC 20004
 Receive Mail: Yes
 Representing: Erie Insurance Exchange, Appellee
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

Attorney:	Bartle, Harvey, IV	
Address:	Morgan Lewis & Bockius Llp 1701 Market St Philadelphia, PA 19130	
Phone No:	(215) 963-5521	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Walters & Mason Retail, Inc., Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Ellison, John Norig	
Address:	Reed Smith LLP 1717 Arch St Ste 3100 Philadelphia, PA 19103	
Phone No:	(215) 241-1210	
Receive Mail:	Yes	
Representing:	United Policyholders, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Martin, James Christopher	
Address:	Reed Smith LLP 225 Fifth Ave Ste 1200 Pittsburgh, PA 15222-2716	
Phone No:	(412) 288-3546	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Allegheny Health Network, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Boscov's Department Store, LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Eat'n Park Hospitality Group, Inc., Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Penn Entertainment, Inc. f/k/a Penn National Gaming, Inc., Boscov's Department Store, LLC, et al, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Shaner Group, Amicus Curiae	
Pro Se:	No	
IFP Status:		

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SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered November 30, 2022 at No. 1100 WDA 2021, reversing the Order of the Court of Common Pleas of Allegheny County Civil Division entered on May 25, 2021 at No. GD-20-007753.

Probable Jurisdiction Noted: Docketed Date: July 13, 2023
 Allocatur/Miscellaneous Granted: July 13, 2023 Allocatur/Miscellaneous Docket No.: 307 WAL 2022
 Allocatur/Miscellaneous Grant Order: AND NOW, this 13th day of July, 2023, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioner, is:

Did the Superior Court err as a matter of law in finding that Petitioner is not entitled to coverage under its policy of insurance with Respondent for losses associated with the COVID-19 pandemic when the insurance policy is ambiguous and Pennsylvania law mandates that an ambiguity should be construed in favor of the insured?

The Prothonotary is directed to list this matter for argument simultaneously with Ungarean v. CNA, 11 & 12 WAP 2023

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:	Superior	Docket Number:	1100 WDA 2021
Date of Order:	November 30, 2022	Rearg/Recon Disp Date:	
Judge(s):	Panella, Jack A. Bender, John T. Bowes, Mary Jane Lazarus, Anne E. Stabile, Victor P. Kunselman, Deborah A. Nichols, Carolyn H. McLaughlin, Maria King, Megan	Rearg/Recon Disposition:	
Intermediate Appellate Court Action:	Reversed.		
Referring Court:			

AGENCY/TRIAL COURT INFORMATION

Court Below:	Allegheny County Court of Common Pleas		
County:	Allegheny	Division:	Allegheny County Civil Division
Date of Agency/Trial Court Order:	May 25, 2021		
Docket Number:	GD 20-007753		
Judge(s):	Ward, Christine A.	OTN:	
Order Type:	Order		

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ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	July 13, 2023	**Original Record Electronically Filed**

Record Remittal:

BRIEFING SCHEDULE

Amicus Curiae

**Allegheny Health Network
Brief**

Due: October 2, 2023 Filed: October 2, 2023

Appellee

**Erie Insurance Exchange
Brief**

Due: November 17, 2023 Filed:

Boscov's Department Store, LLC
Brief

Due: October 2, 2023 Filed: October 2, 2023

Eat'n Park Hospitality Group, Inc.
Brief

Due: October 2, 2023 Filed: October 2, 2023

**Penn Entertainment, Inc. f/k/a Penn National Gaming,
Inc., Boscov's Department Store, LLC, et al
Brief**

Due: October 2, 2023 Filed: October 2, 2023

Shaner Group
Brief

Due: October 2, 2023 Filed: October 2, 2023

United Policyholders
Brief

Due: October 2, 2023 Filed: October 2, 2023

Walters & Mason Retail, Inc.
Brief

Due: October 2, 2023 Filed: October 2, 2023

Appellant

MacMiles, LLC dba Grant Street Tavern
Brief

Due: October 2, 2023 Filed: October 2, 2023

Reply Brief

Due: December 8, 2023 Filed:

Reproduced Record

Due: October 2, 2023 Filed: October 2, 2023

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 13, 2023	Allocatur Granted		Per Curiam
Comments: AND NOW, this 13th day of July, 2023, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioner, is: Did the Superior Court err as a matter of law in finding that Petitioner is not entitled to coverage under its policy of insurance with Respondent for losses associated with the COVID-19 pandemic when the insurance policy is ambiguous and Pennsylvania law mandates that an ambiguity should be construed in favor of the insured? The Prothonotary is directed to list this matter for argument simultaneously with Ungarean v. CNA, 11 & 12 WAP 2023			
July 13, 2023	Superior Court Record Received		Office of the Prothonotary
July 18, 2023	Praecept for Appearance Erie Insurance Exchange	Appellee	Greer, Zachary Raymond
August 2, 2023	Joint Application to Modify Briefing Schedule for Related Appeals and to Exceed Word Count	Appellee	Erie Insurance Exchange
August 16, 2023	Order Granting Joint Application to Modify Briefing Schedule and Denying App. to Exceed Word Count		Per Curiam
Comments: AND NOW, this 16th day of August, 2023, upon consideration of the Joint Application to Modify Briefing Schedule, the application is GRANTED, to the extent that the parties seek a modification of the briefing deadlines. Appellant's Brief and Reproduced Record are due by October 2, 2023; Appellee's Brief is due by November 17, 2023; and any reply brief is due by December 8, 2023. No further extensions shall be granted on the briefing deadlines absent extraordinary circumstances. To the extent the application seeks leave to submit briefs that exceed the limitations of Pa.R.A.P. 2135(a), the application is DENIED, WITHOUT PREJUDICE to the parties' ability to seek similar relief once they have prepared their briefs. Any such request SHALL be accompanied by a party's proposed brief for the Court's evaluation.			
August 16, 2023	Order Exited		Office of the Prothonotary
September 25, 2023	Praecept for Withdrawal of Appearance Erie Insurance Exchange	Appellee	Peck, Jason Harlow
October 2, 2023	Appellant's Brief	Appellant	MacMiles, LLC dba Grant Street Tavern
October 2, 2023	Appellant's Reproduced Record Filed	Appellant	MacMiles, LLC dba Grant Street Tavern
October 2, 2023	Amicus Curiae Brief	Amicus Curiae	Walters & Mason Retail, Inc.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 2, 2023	Amicus Curiae Brief	Amicus Curiae	United Policyholders
October 2, 2023	Amicus Curiae Brief	Amicus Curiae	Boscov's Department Store, LLC
		Amicus Curiae	Shaner Group
		Amicus Curiae	Eat'n Park Hospitality Group, Inc.
		Amicus Curiae	Allegheny Health Network
		Amicus Curiae	Penn Entertainment, Inc. f/k/a
			Penn National Gaming, Inc.,
			Boscov's Department Store, LLC,
			et al

CROSS COURT ACTIONS

Docket Number:	1100 WDA 2021
Docket Number:	307 WAL 2022
Docket Number:	53 WDM 2021